IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
SUMMARY SUIT NO.2322 OF 1996

Allahabad Bank ...Plaintiff
vs.
Mr.Arun Pasricha ...Defendant

Mr.J.B.Parab for the Plaintiff

CORAM: A.S.OKA,J.
DATE : SEPTEMBER 17,2007

P.C.:

1. The learned counsel appearing for the plaintiffs states that the defendant has been served with the writ of summons long back and the affidavit of service is already filed. He pointed out that in the year 1996, the writ of summons was returned unserved with the remark 'unclaimed'. He stated that even in the year 2003, writ of summons was returned with the remark 'unclaimed'. He pointed out that on the basis of Judge's order, the service has been effected by substituted service and a copy of publication notice dated 17th September 2004 is already placed on record along with an affidavit.

2. The record shows that the defendant has not entered appearance within the time stipulated by law. Therefore, in view of sub rule 3 of rule 2 of Order XXXVII of the Code of Civil Procedure,1908, the plaintiff is entitled to a decree as prayed as the averments made in the plaint are deemed to have been admitted by the defendant. Hence, the suit stands decreed as prayed.

3. The Plaintiffs will be entitled to refund of court fee, if any, as per the rules.

4. Certified copy is expedited.

JUDGE